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LAW OF THE SEA

Report of the Secretary-General

Addendum

1. Subsequent to the submission of the report of the Secretary-General (A/48/527), on 16 November 1993, Guyana deposited with the Secretary-General the instrument of its ratification of the United Nations Convention on the Law of the Sea, bringing the total number of ratifications and accessions to 60. Having thus obtained the required number of ratifications or accessions, the Convention will enter into force on 16 November 1994, in accordance with its article 308, paragraph 1.

2. The entry into force of the Convention will have a marked impact on the practice of States, particularly those which are Parties to the Convention, and the activities of a number of international organizations competent in the fields of ocean affairs. The entry into force of the Convention would serve to consolidate and strengthen the provisions which have already received general acceptance. It would also put into operation the unique system for the settlement of disputes contained in the Convention. Several outstanding issues still remain, however, with respect to Part XI dealing with the deep seabed regime, which are the subject of ongoing consultations at the initiative of the Secretary-General.

3. The establishment of the date of entry into force of the Convention affects the programme of work of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea. Among other things, the Commission will have to:

(a) Convene the Group of Technical Experts, established in accordance with the Statement on the Implementation of Resolution II, 1/ "within three months" from 16 November 1993 to review the state of deep seabed mining and to make an assessment of the time when commercial production may be expected to commence, pursuant to the decision of the Commission. If, as a result of the review and the assessment, the Group of Technical Experts concludes that commercial production will not take place for an extended period of time, the Preparatory

Commission shall recommend to the Authority that the annual fixed fee payable under Annex III, article 13, paragraph 3, be waived for a relevant period; 2/

(b) Submit its final report on all matters within its mandate, except those relating to the International Tribunal for the Law of the Sea, to the Assembly of the International Seabed Authority at its first session, to be held "on the date of the entry into force" of the Convention; 3/

(c) Submit the report regarding practical arrangements for the establishment of the International Tribunal for the Law of the Sea to the meeting of States Parties to the Convention, to be convened "within six months" from 16 November 1994; 4/

(d) Transfer its property and records to the International Seabed Authority and dissolve itself at the conclusion of the first session of its Assembly. 5/

4. Also affected will be the work of the Secretary-General and, in particular, the work of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, which is required to make a series of adjustments to its activities, especially throughout 1994 and beyond. The new activities include, inter alia:

(a) Assumption by the Secretary-General of the various functions, as specified in article 319 of the Convention, including his functions as the depositary of the Convention;

(b) Making arrangements for the first election of the members of the International Tribunal for the Law of the Sea and the meeting of States Parties;

(c) Making arrangements for the initial election of the members of the Commission on the Limits of the Continental Shelf, to be held "as soon as possible, but in any case within eighteen months after" 16 November 1994; 6/

(d) Making arrangements for the drawing up of the lists of conciliators and arbitrators in accordance with Annexes V and VII to the Convention, as well as for the drawing up of the list of experts by the relevant organizations, in accordance with Annex VIII to the Convention.

Notes

1/ LOS/PCN/L.41/Rev.1, annex.

2/ LOS/PCN/L.87, annex, para. 12.

3/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/121, annex I, resolution I, para. II.

4/ Ibid., para. 10.

5/ Ibid., para 13.

6/ Ibid., document A/CONF.62/122, United Nations Convention on the Law of the Sea, annex II, article 2, para. 2.